



QUALCOMM Incorporated

2001 Pennsylvania Ave., NW ■ Suite 650 ■ Washington, DC 20006 ■ Tel: 202.263.0020 www.qualcomm.com

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Via ECFS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Oral Ex Parte Presentation in WT Docket No. 05-7

Dear Ms. Dortch:

On behalf of QUALCOMM Incorporated ("QUALCOMM"), this is to report that yesterday, I spoke twice to Heather Dixon regarding QUALCOMM's Petition for Declaratory Ruling in the above-referenced proceeding.

In these conversations, I emphasized that the level of potential over-the-air interference that MediaFLO could cause is truly *de minimis*. I reiterated that although QUALCOMM is requesting application of a 2% interference limit to the engineering studies that it will submit pursuant to Section 27.60 (b)(1)(iii) of the Commission's Rules, the actual number of people who could potentially be affected, solely for the period of time before the DTV transition ends, is significantly less than 2% of the population in a station's Grade B contour since households in which the station in question is viewed via cable or satellite or in which the station in question is not viewed at all would not be affected by interference from MediaFLO.

Taking into account the number of households that own second or third TV sets, but subscribe to cable or satellite does not change this fundamental conclusion. The data filed by the Consumer Electronics Association with the Commission shows that the vast majority of such these sets (75 percent) are used solely to watch DVDs or VCR tapes or to play video games. *See Reply Comments of Consumer Electronics Association, Docket No. 04-210 (filed Sept. 4, 2004) at Pg. 2.* Furthermore, the data also shows that two percent of U.S. TV households do not subscribe to cable or satellite, but also do not watch TV over-the-air, and instead, the TV sets in these homes are used exclusively to watch VCR tapes or DVDs or to play video games. *See Comments of Consumer Electronics Association, Docket No. 05-255 (filed Sept. 19, 2005) at Pg. 6.*

Using this data, the total number of households who would potentially suffer interference to their viewing of the 28 affected analog TV stations in the initial 125 markets in which MediaFLO will be deployed would be 2,020 households, as compared to the 200 million people in these markets who would be able to receive MediaFLO. Thus, it remains the case that the real impact of a grant of QUALCOMM's Petition will be to permit an extremely minimal level of interference for a limited period of time (until the DTV transition ends), while enabling QUALCOMM to deliver its beneficial MediaFLO service to an extremely large number of Americans.

In these conversations, I also emphasized that the Commission has granted numerous applications for both low power and full power TV stations, digital and analog, to locate transmitters within the Grade B contour of adjacent channel stations (in instances in which the proposed transmitter was not to be co-located with the transmitters of those stations), based on showings made by licensees using the OET 69 methodology to calculate interference to the adjacent channel stations. *See* Reply Comments of QUALCOMM (filed March 25, 2005) at Pg. 10, n.30, 31. Therefore, there is ample precedent and successful demonstrations of the use of the OET-69 methodology to analyze interference to TV/DTV stations from transmitters located inside, as well as outside, the Grade B contour of an affected station, without regard to any early assumption that the interfering transmitter would always be located outside of the affected station's contour.

Moreover, I discussed the fact that upon a grant of QUALCOMM's Petition, QUALCOMM will be providing Channel 54, 55, and 56 TV and DTV stations with much greater protection than they receive when other stations use OET-69 engineering studies to justify proposed facilities under the Part 73 rules. This is the case because the Part 27 D/U ratios, which apply to MediaFLO, are much more stringent than the corresponding Part 73 D/U ratios. As a result, it is more likely that the 2% interference limit would be reached from a MediaFLO transmitter than from a DTV transmitter if both had the same operating parameters, even though the likelihood of actual interference from the MediaFLO transmitter would, in truth, be very low. Applying a 2% limit to interference from MediaFLO to TV/DTV stations will provide the TV/DTV stations with considerably more protection than they currently receive under the 2% limit applied to interference from DTV to TV/DTV stations.

Respectfully submitted,

/s/ Dean R. Brenner

Dean R. Brenner
Vice President, Government Affairs
QUALCOMM Incorporated

Cc: Heather Dixon, Esq.